IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 25203 of 2004

Between:

M.N.Z. Khan, S/o. M.A. Hameed Khan,
APSRTC, NALGONDA BUS DEPOT.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Nalgonda Region at Nalgonda.
2 The Depot Manager, APSRTC, Nalgonda Bus Depot at Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondent in imposing the punishment of deferment of annual increment for a period of one year which shall have effect on petitioners future increments as illegal, arbitrary, unjust and unreasonable and violative of principles of natural justice by setting aside the final order No.02/95(124)-96 NLG dt. 23.11.1996 of R2 herein and consequential order dt. 9.10.1998 of R1 herein and consequentially direct the respondents to release the deferred increments.

Counsel for the Petitioner:MR.P.VENKATESWAR RAO

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court at the stage of admission ,made the following :

ORDER:

Heard both the counsel.

The petitioner questions the order dated 23.11.1996 imposing punishment of postponement of annual increment for a period of one year, which shall have the effect of postponing the future increments. The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting an enquiry.

This Court in S.K.MASTAN V.MANAGING DIRECTOR, APSRTC held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one increment

without cumulative effect instead of initiating disciplinary proceedings once again, for which the respondents have no objection.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of one year which shall not have the effect of postponing the future increments. No costs.

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31.12.2004

bsv

To

1. The Regional Manager, APSRTC, Nalgonda Region at Nalgonda.
2 The Depot Manager, APSRTC, Nalgonda Bus Depot at Nalgonda.

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